

# **Victims of torture: Identification and follow up**

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# Torture

– **breaking down bodies and minds**

- *And freedom from torture is a non-derogable right*

## Main points to be raised

- The rights of all victims of torture, according to UN Convention against Torture
- Identification of torture – how and why
- Victims of torture - needs and special concerns
- Norwegian policy – challenges and possible steps

# **No one shall be subjected to torture or to cruel, inhuman or degrading treatment and punishment**

*Universal declaration art. 5*

*International Covenant on CPR, art.7*

*European HR convention,  
art. 3*

*UN convention against torture, 1- 16*

*Geneva Conventions (3&4), art. 3*

*And accepted as customary international law.....*

# Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

- **December 10, 1984:** the adoption by the General Assembly of the United Nations of the Convention
- **June 26, 1987:** Entry into force
- Parties : 154



# What are the rights of victims of torture

- Protection against torture
- The right to remedy and to justice
- The right to reparation – all forms of reparation – compensation etc.
- In particular – the right rehabilitation

## Article 14

- ***“Each state party shall ensure in its legal system that the victims of an act of torture obtains redress and has an enforceable right to fair and adequate compensation including the means for as full rehabilitation as possible”***



The adoption of  
General Comment No. 3,  
Implementation of article 14 by States parties



## Remedy – the right to justice

- The Committee considers that the term “redress” in article 14 encompasses the concepts of “effective remedy” and “reparation”. The comprehensive reparative concept therefore entails restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition and refers to the full scope of measures required to redress violations under the Convention.

# Rehabilitation

- States parties must ensure that effective rehabilitation services and programmes are established in the State and are accessible to all victims without discrimination and regardless of the victim's identity or status within a marginalized or vulnerable group... States parties' legislation should establish concrete mechanisms and programmes for providing rehabilitation to victims of torture or ill-treatment

## Rehabilitation.....

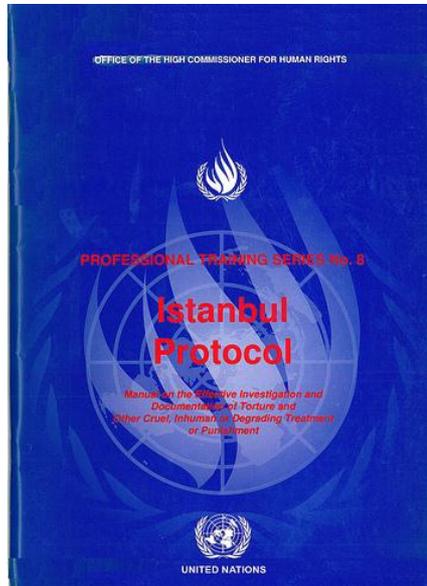
- restoration of function or the acquisition of new skills required
- enable the maximum possible self-sufficiency and function for the individual concerned
- may involve adjustments to the person's physical and social environment
- restore, as far as possible, their independence, physical, mental, social and vocational ability
- full inclusion and participation in society.

# Documentation – how and why

- Part of prevention
- Recognition of harm done
- Provide documentation in a context of justice
- Accountability for those responsible
- Strengthen need for protection
- Background for health care, rehabilitation



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**Istanbul  
Protocol**

***Manual on the Effective Investigation and  
Documentation of Torture and Other Cruel,  
Inhuman or Degrading Treatment or  
Punishment***

# Istanbul protocol

- When there are allegations of torture
- As part of investigation of torture
- In the context of rehabilitation and compensation
- In asylum procedures

# The documentation must be

- Available
- Accessible
- Affordable



## In asylum procedures

- Health care professionals
- Personell at reception centres
- Asylum interviewers
- Coordination and communication between them
- "Identification of (Vulnerable) Asylum Seekers with Special Needs"

# Vulnerable asylum seekers in Norway

- JD har gitt et felles oppdrag til Utlendingsdirektoratet (UDI) og Helsedirektoratet (Helsedir) om å fremme konkrete forslag til å bedre tilbudet til sårbare asylsøkere og beboere i mottak, herunder styrking av identifisering og oppfølging....
- **STRENGTHEN CARE PROVIDED TO VULNERABLE ASYLUMSEEKERS IN RECEPTION CENTRES, INCLUDING BY STRENGTHENING IDENTIFICATION AND FOLLOW-UP**

## Challenges and plans in Norway

- Implementation Istanbul protocol procedure to indentify and document
- Involve all parts of the asylum system
- Train and provide information as to procedures and method
- Develop models for communication involving permission from individuals
- Pilot a procedure for health assessment and follow-up in the early phase of reception

## Still to be worked with

- Norway has no special plan for rehabilitation of torture survivors
- Main-stream model for care and rehabilitation

# Rehabilitation of torture victims

- The many centers for rehabilitation world wide, and networks of professionals working with rehabilitation during conflict, in post-dictatorship, in exile



## To summarize

- Strengthen identification procedures
- Ensure follow-up
- Enable systems to communicate with each other
- Approaches for use of torture documentation in asylum procedures
- Develop systems for rehabilitation

# Health and Human Rights Info



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